

The Honorable Benjamin Settle

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

CLYDE RAY SPENCER, MATTHEW
RAY SPENCER, and KATHRYN E.
TETZ,

Plaintiffs,

v.

FORMER DEPUTY PROSECUTING
ATTORNEY FOR CLARK COUNTY
JAMES M. PETERS, DETECTIVE
SHARON KRAUSE, SERGEANT
MICHAEL DAVIDSON, et al.,

Defendants.

NO. C11-5424BHS

DECLARATION OF PATRICIA C.
FETTERLY IN SUPPORT OF
RENEWED SUMMARY JUDGMENT
MOTION OF DEFENDANT JAMES
PETERS

NOTED FOR: FEBRUARY 8, 2013

I, Patricia C. Fetterly, make the following declaration under penalty of perjury:

I am the attorney for defendant James M. Peters, I am over the age of 18, competent to testify, and make this declaration based upon my personal knowledge. Attached to this declaration are true and correct copies of the following documents:

Attached hereto as Exhibit A are true and correct copies of excerpts from the Deposition of Shirley Spencer taken on December 6, 2012, with Exhibit B to that deposition;

Attached hereto as Exhibit B are true and correct copies of excerpts from the Deposition of James Michael Davidson, taken November 5, 2012;

Attached hereto as Exhibit C are true and correct copies of excerpts from the Deposition of Arthur Curtis taken on December 10, 2012, with Exhibits 3, 5-10, 26-30, and 32 to that deposition;

1 Attached hereto as Exhibit D are true and correct copies of excerpts from the Deposition
2 of James Peters taken on November 8, 2012;

3 Attached hereto as Exhibit E are true and correct copies of excerpts from the Deposition of
4 Rebecca Roe taken on December 13, 2012;

5 Attached hereto as Exhibit F are true and correct copies of excerpts from the Deposition of
6 Sharon Krause taken on November 6, 2012, and Exhibits 5, 11, 16, and 17 to that deposition;

7 Attached hereto as Exhibit G are true and correct copies of excerpts from the Deposition
8 of Clyde Ray Spencer taken on November 12, 2012, and Exhibit 10 to that deposition;

9 Attached hereto as Exhibit H are true and correct copies of excerpts from the Deposition
10 of Deanne Spencer taken on November 16, 2012;

11 Attached hereto as Exhibit I are true and correct copies of excerpts from the Deposition of
12 William Bernet M.D.

13 Attached hereto as Exhibit J is a true and correct copy of the transcript of the interview of
14 Kathryn Spencer by James Peters dated December 11, 1984.

15 Signed under penalty of perjury under the laws of the state of Washington this
16 16th day of January, 2013 at Tumwater, Washington.

17
18
19
20
21 
22 PATRICIA C. FETTERLY
23 Assistant Attorney General WSB #8425
24
25
26

CERTIFICATE OF SERVICE

I hereby certify that on this 16th of January, 2013, I caused to be electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Plaintiffs attorney:

Plaintiffs' Attorneys:

dandavies@dwt.com
kathleen.zellner@gmail.com
dhjohnson43@aol.com

AND TO

Attorney for Co-Defendants Krause, Clark Co. Sheriff's Office, Clark Co. Prosecutor's Office:

Bernard.veljacic@clark.wa.gov
western@wscd.com
gbogdanovich@lldkb.com
jefff@fjtlaw.com

By: s/Patricia C. Fetterly
PATRICIA C. FETTERLY, WSBA No. 8425
Assistant Attorney General
DANIEL J. JUDGE, WSBA No. 17392
Senior Counsel
Attorney General's Office
P.O. Box 40126
Olympia, WA 98504-0116
Telephone: (360) 586-6300
Fax: (360) 586-6655
E-mail: PatriciaF1@atg.wa.gov
Attorneys for Defendant Peters